



Journal of the House

State of Indiana

112th General Assembly

First Regular Session

Eleventh Meeting Day

Thursday Morning

January 25, 2001

The House convened at 10:00 a.m. with the Speaker in the Chair.

The invocation was offered by Representative Vanessa Summers.

The Pledge of Allegiance to the Flag was led by Representative Robert J. Bischoff.

The Speaker ordered the roll of the House to be called:

T. Adams	Hoffman
Aguilera	Kersey
Alderman	Klinker
Atterholt	Kromkowski
Avery	Kruse
Ayres	Kruzan
Bardon	Kuzman
Bauer	Lawson
Becker	Leuck
Behning	Liggett
Bischoff	J. Lutz
Bodiker	Lytle
Bosma	Mahern
Bottorff	Mangus
C. Brown	Mannweiler
T. Brown	McClain
Buck	Mellinger
Budak	Mock
Buell	Moses
Burton	Munson
Cheney	Murphy
Cherry	Oxley
Cochran	Pelath
Cook	Pond
Crawford	Porter
Crooks	Richardson
Crosby	Ripley
Day	Robertson
Denbo	Ruppel
Dickinson	Saunders
Dillon	Scholer
Dobis	M. Smith
Dumezich	V. Smith
Duncan	Steele
Dvorak	Stevenson
Espich	Stilwell
Foley	Sturtz
Frenz	Summers
Friend	Thompson
Frizzell	Tincher
Fry	Torr
GiaQuinta	Turner
Goeglein	Ulmer
Goodin	Weinzapfel
Grubb	Welch
Harris	Whetstone
Hasler	Wolkins
Herndon	D. Young
Herrell	Yount
Hinkle	Mr. Speaker

Roll Call 13: 100 present. The Speaker announced a quorum in attendance. [NOTE: • indicates those who were excused.]

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Monday, January 29, 2001, at 1:00 p.m.

PELATH

Motion prevailed.

The House recessed for the remarks of Congressman Mike Pence.

RECESS

The House reconvened with the Speaker in the Chair.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1729

Representative Lytle called down Engrossed House Bill 1729 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning gaming and to make an appropriation.

The bill was read a third time by sections and placed upon its passage.

HOUSE MOTION

(Amendment 1729-58)

Mr. Speaker: I move that Engrossed House Bill 1729 be recommitted to a Committee of One, its author, with specific instructions to amend as follows:

Page 23, between lines 22 and 23, begin a new paragraph and insert:

"(c) A satellite facility described in subsection (a) must be located at a historic resort hotel built before 1930 with at least three hundred (300) sleeping rooms and operated continuously as a hotel for at least five (5) out of the last ten (10) years."

(Reference is to HB 1729 as reprinted January 24, 2001.)

LYTLE

There being a two-thirds vote in favor of the motion, the motion prevailed.

COMMITTEE REPORT

Mr. Speaker: Your Committee of One, to which was referred Engrossed House Bill 1729, begs leave to report that said bill has been amended as directed.

LYTLE

Report adopted.

HOUSE MOTION

(Amendment 1729-59)

Mr. Speaker: I move that Engrossed House Bill 1729 be recommitted to a Committee of One, its author, with specific instructions to amend as follows:

Page 29, between lines 36 and 37, begin a new paragraph and insert:

"(e) This chapter does not prohibit the city or county where the racetrack or satellite facility is located from entering into agreements with other units of local government in Indiana to share the city's or county's part of the tax revenue under this chapter."

Page 32, between lines 30 and 31, begin a new paragraph and insert:

"(g) This chapter does not prohibit the city or county where the racetrack or satellite facility is located from entering into agreements with other units of local government in Indiana to share the city's or county's part of the tax revenue under this chapter."

Page 38, between lines 28 and 29, begin a new line double block indented and insert:

"(C) To county and 4-H fairs for the maintenance and operation of horse racing facilities."

(Reference is to HB 1729 as reprinted January 24, 2001.)

LYTLE

There being a two-thirds vote in favor of the motion, the motion prevailed.

COMMITTEE REPORT

Mr. Speaker: Your Committee of One, to which was referred Engrossed House Bill 1729, begs leave to report that said bill has been amended as directed.

LYTLE

Report adopted.

The question then was, Shall the bill pass?

Roll Call 14: yeas 57, nays 43. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators xx.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1160, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 12, nays 0.

STEVENSON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1405, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 13, nays 0.

STEVENSON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1434, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 36-8-8-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. This chapter applies to:

- (1) full-time police officers hired or rehired after April 30, 1977, in all municipalities, or who converted their benefits under IC 19-1-17.8-7 (repealed September 1, 1981);
- (2) full-time fully paid firefighters hired or rehired after April 30, 1977, or who converted their benefits under IC 19-1-36.5-7 (repealed September 1, 1981);
- (3) a police matron hired or rehired after April 30, 1977, and before July 1, 1996, who is a member of a police department in a second or third class city on March 31, 1996; and
- (4) a park ranger who:

(A) completed at least the number of weeks of training at the Indiana law enforcement academy **or a comparable law enforcement academy in another state** that were required at

the time the park ranger attended the Indiana law enforcement academy **or the law enforcement academy in another state;**

(B) graduated from the Indiana law enforcement academy **or a comparable law enforcement academy in another state;** and

(C) is employed by the parks department of a city having a population of more than one hundred twenty thousand

(120,000) but less than one hundred fifty thousand (150,000);

except as provided by section 7 of this chapter.

SECTION 2. IC 36-8-8-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 7. (a) Except as provided in subsections (d), (e), (f), (g), and (h):

(1) a police officer; or

(2) a firefighter;

who is less than thirty-six (36) years of age and who passes the baseline statewide physical and mental examinations required under section 19 of this chapter shall be a member of the 1977 fund and is not a member of the 1925 fund, the 1937 fund, or the 1953 fund.

(b) A police officer or firefighter with service before May 1, 1977, who is hired or rehired after April 30, 1977, may receive credit under this chapter for service as a police officer or firefighter prior to entry into the 1977 fund if the employer who rehires him chooses to contribute to the 1977 fund the amount necessary to amortize his prior service liability over a period of not more than forty (40) years, the amount and the period to be determined by the PERF board. If the employer chooses to make the contributions, the police officer or firefighter is entitled to receive credit for his prior years of service without making contributions to the 1977 fund for that prior service. In no event may a police officer or firefighter receive credit for prior years of service if the police officer or firefighter is receiving a benefit or is entitled to receive a benefit in the future from any other public pension plan with respect to the prior years of service.

(c) Except as provided in section 18 of this chapter, a police officer or firefighter is entitled to credit for all years of service after April 30, 1977, with the police or fire department of an employer covered by this chapter.

(d) A police officer or firefighter with twenty (20) years of service does not become a member of the 1977 fund and is not covered by this chapter, if he:

(1) was hired before May 1, 1977;

(2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both of which were repealed September 1, 1981); and

(3) is rehired after April 30, 1977, by the same employer.

(e) A police officer or firefighter does not become a member of the 1977 fund and is not covered by this chapter if he:

(1) was hired before May 1, 1977;

(2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both of which were repealed September 1, 1981);

(3) was rehired after April 30, 1977, but before February 1, 1979; and

(4) was made, before February 1, 1979, a member of a 1925, 1937, or 1953 fund.

(f) A police officer or firefighter does not become a member of the 1977 fund and is not covered by this chapter if he:

(1) was hired by the police or fire department of a unit before May 1, 1977;

(2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both of which were repealed September 1, 1981);

(3) is rehired by the police or fire department of another unit after December 31, 1981; and

(4) is made, by the fiscal body of the other unit after December 31, 1981, a member of a 1925, 1937, or 1953 fund of the other unit.

If the police officer or firefighter is made a member of a 1925, 1937, or 1953 fund, he is entitled to receive credit for all his years of service, including years before January 1, 1982.

(g) As used in this subsection, "emergency medical services" and "emergency medical technician" have the meanings set forth in IC 16-18-2-110 and IC 16-18-2-112. A firefighter who:

(1) is employed by a unit that is participating in the 1977 fund;

(2) was employed as an emergency medical technician by a

political subdivision wholly or partially within the department's jurisdiction;

(3) was a member of the public employees' retirement fund during the employment described in subdivision (2); and
(4) ceased employment with the political subdivision and was hired by the unit's fire department due to the reorganization of emergency medical services within the department's jurisdiction;

shall participate in the 1977 fund. A firefighter who participates in the 1977 fund under this subsection is subject to sections 18 and 21 of this chapter.

(h) A police officer or firefighter does not become a member of the 1977 fund and is not covered by this chapter if the individual was appointed as:

(1) a fire chief under a waiver under IC 36-8-4-6(c); or

(2) a police chief under a waiver under IC 36-8-4-6.5(c);

unless the executive of the unit requests that the 1977 fund accept the individual in the 1977 fund and the individual previously was a member of the 1977 fund.

(i) A police matron hired or rehired after April 30, 1977, and before July 1, 1996, who is a member of a police department in a second or third class city on March 31, 1996, is a member of the 1977 fund.

(j) A park ranger who:

(1) completed at least the number of weeks of training at the Indiana law enforcement academy **or a comparable law enforcement academy in another state** that were required at the time the park ranger attended the Indiana law enforcement academy **or the law enforcement academy in another state;**

(2) graduated from the Indiana law enforcement academy **or a comparable law enforcement academy in another state;** and
(3) is employed by the parks department of a city having a population of more than one hundred twenty thousand (120,000) but less than one hundred fifty thousand (150,000);

is a member of the fund."

Renumber all SECTIONS consecutively.

(Reference is to HB 1434 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

STEVENSON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 2002, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 13, nays 0.

STEVENSON, Chair

Report adopted.

OTHER BUSINESS ON THE SPEAKER'S TABLE

Referrals to Ways and Means

The Speaker announced, pursuant to House Rule 127, that House Bill 1540 had been referred to the Committee on Ways and Means.

HOUSE MOTION

Mr. Speaker: I move that Representative Saunders be added as coauthor of House Bill 1069.

LIGGETT

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Becker be added as coauthor of House Bill 1097.

STILWELL

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Crooks and Stilwell be added as coauthors of House Bill 1120.

BECKER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Scholer, Pond, and Goeglein be added as coauthors of House Bill 1172.

L. LAWSON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Steele be added as coauthor of House Bill 1211.

OXLEY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative GiaQuinta be added as coauthor of House Bill 1282.

KROMKOWSKI

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Budak be added as coauthor of House Bill 1335.

PELATH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Goodin, Stilwell, and Frenz be added as coauthors of House Bill 1419.

BAUER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Burton and Ruppel be added as coauthors of House Bill 1455.

KUZMAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Burton and Ruppel be added as coauthors of House Bill 1705.

BODIKER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Saunders be added as coauthor of House Bill 1787.

LIGGETT

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Atterholt be added as coauthor of House Bill 1824.

WEINZAPFEL

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Mellinger be added as coauthor of House Bill 1855.

BURTON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Crosby and Frizzell be added as coauthors of House Bill 1866.

CRAWFORD

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Welch be added as coauthor of House Bill 1926.

CROOKS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Pelath be added as coauthor of House Bill 2013.

AYRES

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Kruse, Klinker, and Leuck be added as coauthors of House Bill 2045.

WELCH

Motion prevailed.

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative Mellinger the House adjourned at 12:35 p.m., this twenty-fifth day of January, 2001, until Monday, January 29, 2001, at 1:00 p.m.

JOHN R. GREGG

Speaker of the House of Representatives

LEE ANN SMITH

Principal Clerk of the House of Representatives